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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ C.R.P. 141/2023

JAGDAMBA SINGH

.....Petitioner

Through: Ms. Nidhi Mohan Parashar,
Advocate.

versus

JAG MOHAN SHARMA AND ORS

.....Respondents

Through: Mr. Satish Kumar Tomar, Advocate
for R-1 to R-4.
Mr. Nishank Tyagi, Advocate for R-
6.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

01.08.2024

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1. The captioned civil revision petition has been filed on behalf of the petitioner under Section 115 of the Code of Civil Procedure, 1908 seeking setting aside of the impugned order dated 1st April, 2023 passed by the learned SCJ – cum – RC : PHC : New Delhi in case bearing CS SCJ no. 1091/2021.

2. Learned counsel appearing on behalf of the petitioner submitted that vide the impugned order dated 1st April, 2023, the learned Trial Court has dismissed the application under Order VII Rule 11 read with Order XII Rule 6 of the Code of Civil Procedure, 1908 (“CPC”) without application of judicial mind and further listed the above said suit for 3rd June, 2023 for framing of issues and admission/denial of document.

3. After some length of arguments, learned counsel appearing on behalf of the petitioner submitted that she does not wish to press the instant matter



on merits and made an innocuous prayer to withdraw the instant petition with liberty to take all the contentions made in the instant petition before the learned Trial Court at appropriate stage and that the learned Trial Court may be directed to adjudicate all the contentions made by the parties on merits afresh in accordance with law.

4. *Per contra*, learned counsel appearing on behalf of the respondent nos. 1 to 4 vehemently opposed the instant petition on merits, however, he has no objection to the innocuous prayer made by the learned counsel for the petitioner.

5. Heard learned counsel appearing on behalf of the parties and perused the material on record.

6. Since the learned counsel appearing on behalf of the petitioner has not pressed the instant petition on merits and made an innocuous prayer as above and as there is no objection raised by the learned counsel appearing on behalf of the respondent nos. 1 to 4 for allowing the innocuous prayer as made by the learned counsel for the petitioner, this Court is of the view that the innocuous prayer made by the learned counsel for the petitioner may be allowed.

7. Accordingly, leave is granted.

8. The instant petition is dismissed as withdrawn with liberty to the petitioner to raise all the contentions/objections made herein as well as the contentions made in the application before the learned Trial Court at appropriate stage and after hearing both the parties, the learned Trial Court is directed to adjudicate and decide contentions/objections afresh, in accordance with law.



9. Accordingly, the instant petition along with pending application(s), if any, is dismissed as withdrawn with liberty as prayed.

CHANDRA DHARI SINGH, J

AUGUST 1, 2024

rk/ryp

[Click here to check corrigendum, if any](#)